

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUNDOG LLC,

Plaintiff,

V.

SUN ISLAND INTERNATIONAL, INC.,

Defendant.

No. C06-562P

ORDER OF DISMISSAL

The parties have filed a pleading titled “Status of Settlement” with the Court, which indicates that the parties have reached a settlement. (Dkt. No. 12). However, the parties indicate that their settlement is contingent upon the United States Patent and Trademark Office (USPTO) taking certain action with respect to one of the trademarks at issue in this case. The parties expect the USPTO to take such action within five months.

The trial date in this matter is September 17, 2007, a date which is six months away. A number of pretrial deadlines fall within the next five months, including but not limited to the deadline for expert reports, the discovery deadline, the dispositive motions deadline, and the deadline for the settlement conference. The Court does not expect the parties to meet those deadlines if they have reached a settlement in principle of this matter that is contingent on the USPTO taking certain actions

1 with respect to one of the trademarks at issue in the case. However, the Court also will not leave this
2 action pending on its docket as an active case if the parties will not meet all pretrial deadlines.

3 Therefore, based on the parties' notice of the status of settlement, the Court will ORDER that
4 this action and all claims asserted herein be DISMISSED with prejudice and without costs to any
5 party. However, any party may move to reopen this case if the parties' settlement is not perfected,
6 provided that such motion is filed within 180 days of the date of this order. If the USPTO has not
7 taken the necessary action within five months of the date of this order, the parties may submit a
8 stipulation and proposed order to extend the deadline to move to reopen the case. Any trial date and
9 pretrial dates previously set are hereby VACATED.

10 IT IS SO ORDERED this 20th day of March, 2007.
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12 s/Marsha J. Pechman
13 Marsha J. Pechman
United States District Judge
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